

111TH CONGRESS
2D SESSION

H. R. 5281

To amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2010

Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. COBLE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Removal Clarification
5 Act of 2010”.

1 **SEC. 2. REMOVAL OF CERTAIN LITIGATION TO FEDERAL**
 2 **COURTS.**

3 (a) CLARIFICATION OF INCLUSION OF CERTAIN
 4 TYPES OF PROCEEDINGS.—Section 1442 of title 28,
 5 United States Code, is amended by adding at the end the
 6 following:

7 “(c) As used in subsection (a)—

8 “(1) the terms ‘civil action’ and ‘criminal pros-
 9 ecution’ include any proceeding in which a judicial
 10 order, including a subpoena for testimony or docu-
 11 ments, is sought or issued; and

12 “(2) the term ‘against’ when used with respect
 13 to such a proceeding includes directed to.”.

14 (b) CONFORMING AMENDMENTS.—Section 1442(a)
 15 of title 28, United States Code, is amended—

16 (1) in paragraph (1)—

17 (A) by striking “capacity for” and insert-
 18 ing “capacity, for or relating to”; and

19 (B) by striking “sued”; and

20 (2) in each of paragraphs (3) and (4), by in-
 21 serting “or relating to” after “for”.

22 (c) REVIEWABILITY ON APPEAL.—Section 1447(d) of
 23 title 28, United States Code, is amended by inserting
 24 “1442 or” before “1443”.

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